

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ANDREW S. TARKOWSKI

Plaintiff,

vs.

Case No. 12-CV-57-FHM

CAROLYN W. COLVIN, Acting
Commissioner, Social Security
Administration,

Defendant.

OPINION AND ORDER

Plaintiff seeks an award of attorney fees in the amount of \$4,560.20 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. [Dkt. 20]. The Commissioner has not filed any response to Plaintiff's request. The time for filing a response expired on May 30, 2013.

The undersigned finds that the amount of the fee request is reasonable. Based on that finding and the absence of any objection to the amount of the fee request, the undersigned finds that Plaintiff should be awarded EAJA fees in the amount of \$4,660.20. Pursuant to the Commissioner's usual practice, the check should be made payable to Plaintiff and mailed to counsel's address. See *Manning v. Astrue*, 510 F.3d 1246, 1254-55 (10th Cir. 2007)(the award of EAJA attorney's fees is to claimant and not to the attorney). If attorney fees are also awarded and received by counsel under 42 U.S.C. § 406(b) of the Social Security Act, counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Plaintiff's Application for Attorney's Fees is GRANTED as provided herein.

SO ORDERED this 21st day of June, 2013.


FRANK H. MCCARTHY
UNITED STATES MAGISTRATE JUDGE